

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-8 remain in the application. Claims 1-3, 6, and 7 have been amended.

In item 1 on page 2 of the above-identified Office action, claims 2-3 and 6-7 have been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner has stated that it is unclear how many different conveyor belts are claimed in claims 2, 3, 6, and 7. The claims have been amended so as to further clarify the claims. Therefore, the rejection of claims 2, 3, 6, and 7 has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are

2003P16152 - Application No. 10/577,202  
Response to Office action September 17, 2009  
Response submitted December 17, 2009

not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 2 on page 3 of the Office action, claims 1, 4, and 6 have been rejected as being fully anticipated by De Vries (U.S. Patent No. 3,372,925 under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on pages 4 and 5 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

several singulating sections disposed along the path of travel with an ensemble of conveyor belts, each of the singulating sections having respective conveyor belts of the ensemble of conveyor belts spaced apart from each other and above each other for transporting the mailings, and each of the singulating sections having, at an opposite side of the path of travel, respective retaining elements for acting on the

2003P16152 - Application No. 10/577,202  
Response to Office action September 17, 2009  
Response submitted December 17, 2009

mailings with a friction force and at a height between the conveyor belts.

De Vries discloses an apparatus for separating a variety of different documents. De Vries discloses that the apparatus has three mechanisms: a feeding mechanism, a separating mechanism, and a guiding mechanism (columns 3, 4, and 5).

The "feeding mechanism" has a single feed belt (20) for successively removing mailings stored temporarily in a stack (18) delimited by vertical plates (60 and 16). The role of the feeding mechanism is per definition: to initiate the travel of the mailings from the stack (18). Whereas the function of a singulating section however is to separate mailings which overlap each other in the path of travel, i.e. during their movement, as recited explicitly in claim 1 of the instant application. The feeding mechanism of De Vries is not capable of the functional requirements for a singulating section.

Besides these functional aspects, the feeding mechanism in De Vries lacks also the following structural features defining a singulating section as recited in claim 1.

According to the wording of the claim, each singulating section has respective:

- conveyor belts spaced apart from each other and above each other;
- and at an opposite side of the path of travel retaining elements acting on the mailings with a friction force and at a height between the conveyor belts.

The definition of a singulating section requires a plurality of conveyor belts and the action of retaining elements at a height between two distinct conveyor belts. These limitations are not in the feeding mechanism in De Vries that shows only one feed belt (20).

In view of these functional and structural facts, the feeding mechanism in De Vries cannot be interpreted as a singulating section in the sense of claim 1.

A singulating mechanism as recited in claim 1 might correspond to the "separating mechanism" of De Vries. De Vries discloses that the separating mechanism has conveyor belts (72, 73) spaced apart from each other and above each other and at an opposite side the path of travel a retaining element (64) acting with a friction force at a height between the conveyor belts (72, 73) (see figures 1 and 5). In column 5, line 30 of

2003P16152 - Application No. 10/577,202  
Response to Office action September 17, 2009  
Response submitted December 17, 2009

De Vries, De Vries discloses that the roller (64), which rotates slower or not at all will retain the overlapping documents while the one document against the faster rotating roller (62) will be fed on to the guiding mechanism. With the retaining element (64), which creates a friction force on an overlapping mailing, the separating mechanism of De Vries corresponds to a singulating section in the path of travel, according to claim 1.

De Vries discloses that the "guiding mechanism" has a pair of guide rollers (66 and 68) as shown in figures 1 and 2. In column 5, from line 69 of De Vries, De Vries discloses that the roller (68) rotates with the roller (66) being a driving roller, whether or not a mailing is between them. The guiding mechanism therefore only has the function of guiding the mailings after their passage through the separating mechanism and cannot be considered a singulating section, as recited in claim 1 of the instant application.

Since the separating mechanism of De Vries is the only section apparatus which may be considered as a singulating section in the sense of claim 1, De Vries does not disclose several singulating sections disposed along the path of travel with an ensemble of conveyor belts, each of the singulating sections having respective conveyor belts of the ensemble of conveyor

belts spaced apart from each other and above each other for transporting the mailings, and each of the singulating sections having, at an opposite side of the path of travel, respective retaining elements for acting on the mailings with a friction force and at a height between the conveyor belts, as recited in claim 1 of the instant application

Furthermore, the De Vries reference lacks also the feature of:

- a speed of travel of the conveyor belts in each singulating section being higher than the speed of travel of the conveyor belts of the respective singulating section upstream in the direction of travel.

This is of course due to the fact that De Vries teaches only one singulating section for separating overlapping mailings in the path of travel.

Furthermore, De Vries is silent about the respective speed of travel of the conveyor belts (20, 72 and 73). In column 3, from line 61 of De Vries, De Vries discloses the feed belt (20) is driven intermittently. On the basis of this feature only, it cannot be concluded that the speed of travel of the feed belt (20) is necessarily lower than the speed of travel of the conveyor belts (72 and 73). With the lack of information concerning the respective speeds of travel, it is

2003P16152 - Application No. 10/577,202  
Response to Office action September 17, 2009  
Response submitted December 17, 2009

even reasonable to expect that the feed belt (20) is intermittently driven at the same speed as the conveyor belts (72, 73). Accordingly, De Vries lacks the feature concerning the respective speeds of travel of the conveyor belts.

In item 3 on page 6 of the Office action, claim 2 has been rejected as being obvious over De Vries (U.S. Patent No. 3,372,925 in view of Belec et al. (U.S. Patent No. 5,238,236) (hereinafter "Belec") under 35 U.S.C. § 103. Belec does not make up for the deficiencies of De Vries. Since claim 1 is allowable, dependent claim 2 is allowable as well.

In item 4 on page 7 of the Office action, claims 3 and 7 have been rejected as being obvious over De Vries (U.S. Patent No. 3,372,925 in view of Wojtowicz et al. (U.S. Patent No. 3,847,383) (hereinafter "Wojtowicz") under 35 U.S.C. § 103. Wojtowicz does not make up for the deficiencies of De Vries. Since claim 1 is allowable, dependent claims 3 and 7 are allowable as well.

In item 5 on page 8 of the Office action, claim 5 has been rejected as being obvious over De Vries (U.S. Patent No. 3,372,925 in view of (JP 2-8123) (hereinafter "'123" under 35 U.S.C. § 103. '123 does not make up for the deficiencies of

2003P16152 - Application No. 10/577,202  
Response to Office action September 17, 2009  
Response submitted December 17, 2009

De Vries. Since claim 1 is allowable, dependent claim 5 is allowable as well.

In item 6 on page 9 of the Office action, claim 8 has been rejected as being obvious over De Vries (U.S. Patent No. 3,372,925 in view of Kalika et al. (U.S. Patent No. 5,257,777) (hereinafter "Kalika") under 35 U.S.C. § 103. Kalika does not make up for the deficiencies of De Vries. Since claim 1 is allowable, dependent claim 8 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-8 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

2003P16152 - Application No. 10/577,202  
Response to Office action September 17, 2009  
Response submitted December 17, 2009

If an extension of time for this paper is required, petition  
for extension is herewith made.

Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

Alfred K. Dassler  
Reg. No.: 52,794

AKD:sa

December 17, 2009

Lerner Greenberg Stemer LLP  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101